

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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CARL BRAUN, derivatively on behalf of  
ADVANCED BATTERY TECHNOLOGIES, INC.,

Index No. 11 Civ. 4383

Plaintiff,

v.

ZHIGUO FU, GUOHUA WAN, GUOPENG GAO,  
HONGJUN SI, LIQUI BAI, JOHN MCFADDEN,  
YULIN HAO, NING LI, SHAOQIN XIA,  
SHIYAN YANG, COSIMO J. PATTI, and CHI  
YUAN XUE,

Defendants,

and,

ADVANCED BATTERY TECHNOLOGIES,  
INC.,

Nominal Defendant.

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**JOINT MOTION FOR PRELIMINARY APPROVAL OF SETTLEMENT**

Plaintiff Carl Braun and Defendants jointly move, pursuant to Federal Rule of Civil Procedure 23.1(c) for an order (a) preliminarily approving the parties' Stipulation of Settlement, dated August 8, 2013, a copy of which is annexed as Exhibit 1 to the accompanying Declaration of Shannon L. Hopkins ("Hopkins Declaration"); (b) approving the form of notice to be given to shareholders of Advanced Battery Technologies, Inc. ("Advanced Battery"); and (c) scheduling a hearing to consider final approval of the parties' derivative settlement. The Motion is based on the Stipulation of Settlement, the Hopkins Declaration, and the arguments and authorities cited in the memorandum of law accompanying this motion. A proposed preliminary approval order is

annexed to the Stipulation as Exhibit A. A copy of the proposed Notice is annexed to the Stipulation as Exhibit A-1.

Defendants and their counsel have reviewed this Motion and support it.

Dated: New York, New York  
October 14, 2013

Respectfully submitted,

**LEVI & KORSINSKY, LLP**

/s/ Shannon L. Hopkins

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*Counsel for Plaintiff*

Respectfully submitted,

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*Counsel for Defendants*